

Dear Concerned Citizen:

On January 11th, Attorney General Chandler announced a plan to address a longstanding problem of providing for the maintenance of three (3) large historically significant cemeteries in Louisville. Over 115,000 people are buried at Eastern, Greenwood and Schardein cemeteries, including some of the most famous leaders of the Louisville African American community, former Louisville mayors and other historic figures. Tragically, due to the bankruptcy of the company which operated the cemeteries and an inadequate perpetual care trust fund, the community has struggled to maintain the properties in a manner befitting the dignity of those buried there and their loved ones who continue to visit their graves. The Attorney General's plan involves utilizing funds recovered from other consumer protection lawsuits to supplement the existing trust to provide a permanent solution to a longstanding community problem.

In recent weeks the Attorney General's Office has filed a consumer protection lawsuit against Cove Haven Cemetery in Lexington after evidence of overburying was discovered. A Temporary Restraining Order was entered on May 18 prohibiting new burials in portions of the cemetery without an archaeological examination to verify that the grave is available. Litigation is ongoing to address those problems.

Because the Attorney General's plan requires legislative approval, the Office of the Attorney General has formed a task force, chaired by State Representative Reginald Meeks, to report on the situation at the Louisville cemeteries and a broader study of certain issues which may be facing other Kentucky cemeteries. In addition to evaluating the sufficiency of perpetual care trust funds, the Attorney General's Task Force on Cemetery Preservation will seek to identify other historically or culturally significant cemeteries which are facing challenges to providing the level of care or protection which they deserve. At its conclusion, the task force will submit a report to the 2002 General Assembly.

The Task Force is seeking your assistance with this project. Attached to this letter is a Survey Form which we hope to have completed for every cemetery in Kentucky. We recognize that this is an ambitious undertaking and would appreciate any assistance you can give to help us achieve our goal. The forms may be duplicated and separate surveys provided for each cemetery. In addition, the forms may be downloaded from our website or completed online at www.kyattorneygeneral.com/cemetery. Completed forms can also be mailed to Office of Attorney General, Consumer Protection Division, 1024 Capital Center Drive, Frankfort, KY 40601 or faxed to (502) 573-8317.

This is the first statewide effort of which we are aware to gather complete information about the cemeteries, the condition and significance of Kentucky's cemeteries. The survey will be used in identifying issues of statewide significance to present to the 2002 General Assembly. **Please submit all survey forms by August 15, 2001.**

Thank you for your assistance.

EXPLANATION OF REGISTRATION STATUS

Cemeteries considered exempt from regulation by this office have certified that they meet the following qualifications:

1. They are owned and controlled by lot owners;
2. They operate non-profit;
3. They have no employees other than maintenance workers; and
4. They do not sell anything other than spaces.

Cemeteries that do not meet these qualification are subject to the following requirements under KRS 367.946-991:

1. They must register with this office and keep certain types of records as outlined in KRS 367.948.
2. They must place 20% of the gross sales price of each grave space sold in an irrevocable perpetual care and maintenance trust fund. There are different trust requirements for the sale of mausoleum crypts (5%), underground crypts (5%) and columbarium niches (10%).
3. They must file an annual report on the status of the trust funds.
4. They are subject to audit of their trust funds by an agent of this office.